

August 6, 2008

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E07G0457**

CHARLES E. STONE
Code Enforcement Appeal

Location: Account 042206-9087

Appellant: Charles E. Stone
represented by **Gary Faull**
PO Box 26
Renton, Washington 98057

King County: Department of Development and Environmental Services
represented by **Holly Sawin**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-6772
Facsimile: (206) 296-6604

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny the appeal
Department's Final Recommendation:	Deny the appeal; extend time for compliance
Examiner's Decision:	Deny the appeal; extend time for compliance

ISSUES AND TOPICS ADDRESSED: storage of vehicles, storage of building materials, storage within critical areas, occupancy of mobile home without required permits, occupancy of travel trailer, placement of storage containers and accessory structures without a primary use and without required permits, grading and filling in critical areas.

SUMMARY OF DECISION: the property owner's appeal of the Notice of code violation is denied and additional time is granted for bringing the property into compliance.

EXAMINER PROCEEDINGS:

Hearing opened:	August 5, 2008
Hearing closed:	August 5, 2008

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On May 19, 2008, the King County Department of Development and Environmental Services (DDES) issued a notice of King County code violation, civil penalty order, abatement order, notice of lien, duty to notify ("Notice and Order") to Charles E. Stone. The property subject to the Notice and Order is located at 17447 Southeast Jones Road (Renton) in unincorporated King County. Charles E. Stone is the owner of the subject property.

The Notice and Order alleged violation of the King County Code for storage of vehicles without an established primary use; storage and assembly of building materials in a zone that does not allow that use; occupancy of a mobile home without required permits, occupancy of a substandard dwelling (travel trailer); placement of storage modules and structures without an established primary use and without required permits; and grading in excess of allowed limits without a permit. All of the foregoing alleged violations are also alleged to have occurred within critical areas.

2. A timely appeal of the Notice and Order was filed by Charles E. Stone on June 4, 2008. The Statement of Appeal asserts that the alleged violations are being corrected and that no monetary sanctions should be imposed.
3. Upon agreement by the parties, the facts set forth in the Department of Development and Environmental Services' report to the Hearing Examiner for the August 5, 2008 hearing on this appeal are found to be correct. The facts set forth in that report (Exhibit 1) are adopted by the Hearing Examiner and incorporated herein by this reference as if fully set forth.

CONCLUSIONS:

1. The appeal of the subject Notice and Order should be denied.
2. The Appellant should be allowed a reasonable period of time to bring the subject property into compliance.
3. The time periods recommended by the Department of Development and Environmental Services in its staff report (Exhibit 1) are reasonable. The Appellant has concurred with the recommendation set forth in Section D of the said report.

DECISION:

The appeal by Charles E. Stone of the Notice and Order issued May 19, 2008 is denied. The Appellant property owner is allowed the following times to bring the subject property into compliance:

1. All vehicles, boats, trailers and equipment that do not belong to the occupant of the non-permitted mobile home shall be removed from the property within 30 days of the date of this decision.

2. An application for a critical areas designation (CAD), as required by the King County Health Department, shall be submitted to DDES within 30 days of the date of this decision.
3. A complete application shall be submitted to the King County Health Department for a septic system and water supply approval within 60 days of completion of the CAD. (Copies of the Health Department applications, with the assigned permit numbers, shall be provided to the Code Enforcement Section when submitted to the Health Department.)
4. A building permit already built construction (ABC) pre-application meeting shall be requested by the property owner, and the required pre-application meeting fee paid, within 30 days of the date of this decision.
5. A complete building permit application shall be submitted to DDES within 30 days following the building permit ABC pre-application meeting.
6. A complete demolition permit application for the structures subject to this proceeding shall be submitted to DDES within 30 days of a final denial of any of the required permits, or within 45 days of the date of this decision if permits for the mobile home and other structures are not sought by the property owner. All structures on the property shall be removed (or demolished and demolition debris removed) within 60 days of the issuance of the demolition permit, and demolition debris shall be disposed of at an approved facility. This provision includes the two cargo containers on the subject property.
7. A land use pre-application meeting shall be requested, and all required fees for the pre-application meeting paid, within 30 days of the date of this decision. A complete grading permit application shall be submitted within 30 days after the pre-application meeting, and all final inspections and approvals shall be obtained within applicable deadlines.

ORDERED this 6th day of August, 2008.

James N. O'Connor
King County Hearing Examiner *pro tem*

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE AUGUST 5, 2008, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT
AND ENVIRONMENTAL SERVICES FILE NO. E07G0457

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin, representing the Department; Gary Faull, representing the Appellant and Charles E. Stone, the Appellant.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	DDES staff report to the Hearing Examiner for E07G0457
Exhibit No. 2	Copy of the Notice & Order issued May 19, 2008
Exhibit No. 3	Copy of the Notice and Statement of Appeal received June 4, 2008
Exhibit No. 4	Copies of codes cited in the Notice & Order
Exhibit No. 5	Violation letter from Holly Sawin to Appellant Stone, dated January 2, 2008
Exhibit No. 6a	Photographs of subject property taken by Holly Sawin on September 24, 2007
Exhibit No. 6b	Photographs of subject property taken by Holly Sawin on March 13, 2008
Exhibit No. 7a	Aerial photographs of subject property dated 2007
Exhibit No. 7b	Aerial photographs of subject property dated 2005
Exhibit No. 7c	Aerial photographs of subject property dated 2002
Exhibit No. 7d	Topographical map of subject property depicting sensitive areas on subject property

JNOC:vsm
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